

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 17-74 are presently active in this case. The present Amendment amends Claims 17 and 46 without introducing any new matter or raising new issues.

The outstanding Office Action rejected Claims 17-19, 22, 25-30, 31-40, 45-48, 51, 54-59, 60-69 and 74 under 35 U.S.C. §103(a) as unpatentable over Yamagami et al. (U.S. Patent No. 5,535,011; herein "Yamagami") in view of Ishikawa et al. (U.S. Patent No. 5,260,735; herein "Ishikawa"). Claims 20-21 and 49-50 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamagami and Ishikawa in view of Silverbrook (U.S. Patent No. 5,430,496). Claims 23-24 and 52-53 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamagami and Ishikawa in view of Johnson (U.S. Patent No. 5,809,068). Claims 41-42 and 70-71 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamagami and Ishikawa in view of Sasaki et al. (U.S. Patent No. 5,018,017; herein "Sasaki"). Claims 43-44 and 72-73 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamagami and Ishikawa in view of Crawford (U.S. Patent No. 5,771,354).

Claim 17 is amended to recite the processor "is configured to transfer the control program to the memory, the control program including a communication control program executable on the processor for controlling the first input/output interface, and wherein the communication control program is configured to enable communication with an external device through the first input/output interface." This feature finds non-limiting support in the disclosure as originally filed, for example from page 3, line 11, to page 4, line 2.

In light of the amendments to the independent claims, Applicant respectfully requests reconsideration of the rejections of Claims 1-74 under 35 U.S.C. §103(a), and traverses the rejection, as discussed next.

Briefly recapitulating, Claim 1 relates to a digital image capturing system including a digital image capturing device. The system includes, *inter alia*, a processor connected to an electronic image pick-up; a first input/output interface connected to the processor; a second input/output interface connected to the processor and configured to receive a card that stores a control program; and a memory configured to receive the control program from the card, wherein the processor is configured to control the card through the second input/output interface. Furthermore, the processor is configured to transfer the control program to the memory, the control program including a communication control program executable on the processor for controlling the first input/output interface. The communication control program is configured to enable communication with an external device through the first input/output interface. Independent Claim 46 is amended to recite a similar feature in means-plus-function language.

As explained in Applicant's specification from page 3, line 24, to page 4, line 2, Claim 17 improves upon background digital image capturing systems, since the system does not require to have every possible IO protocol programmed therein, and new protocols available can be easily used by inserting a card with the corresponding IO protocol program.

Turning now to the applied references, the reference Yamagami is used in the outstanding Office Action as a primary reference for all the 35 U.S.C. §103(a) rejections. Yamagami describes an optical system arranged to capture an image, wherein an image can be recorded to a removable recording medium.¹ Yamagami also explains that an extended bus interface 110 with an extended card 111 is configured to compress and expand image data, and to communicate with a host computer 112, that is connected to the optical system.² Therefore, the extended card includes a DSP 202 or a RISC CPU 701, to include processing

¹ See Yamagami in the Abstract.

² See Yamagami at column 4, lines 10-32, column 7, lines 30-36, and in corresponding Figures 1-2.

power to the extended card.³ However, Yamagami fails to teach or suggest all the features of amended, independent Claim 17. In particular, Yamagami fails to teach or suggest

the processor ... is configured to transfer the control program to the memory, the control program including a communication control program executable on the processor for controlling the first input/output interface ... wherein the communication control program is configured to enable communication with an external device through the first input/output interface,

as recited in amended independent Claim 17. Yamagami merely explains that contents of the recording medium 101 are transferred to the extended card 111, so as to update the flash ROM 703 with a new BIOS level software of the RISC CPU 701.⁴ Yamagami *does not* teach or suggest that the contents of the recording medium are transferred to the signal processing system 13 of the camera part 100, and its associated memory. Accordingly, Yamagami fails to teach or suggest all the features of amended independent Claim 17.

The reference Ishikawa, relied upon by the outstanding Office Action to form the 35 U.S.C. §103(a) rejection of the independent claims, does not remedy the deficiencies of Yamagami.

Ishikawa describes a camera, to which an external memory can be connected.⁵ When the external memory is mounted on the camera, the camera can communicate with the memory so as to read a program memorized in the external memory into an internal camera memory. The camera is controlled according to the program designated by the external memory.⁶ However, Ishikawa fails to teach or suggest the above features of independent Claim 17, regarding the control program including a communication control program executable on the processor for controlling the first input/output interface. Ishikawa clearly

³ See Yamagami in Figures 2, 4, 6 and 7, and at column 4, lines 13-18, and at column 20, lines 40-46.

⁴ See Yamagami at column 20, lines 43-53.

⁵ See Ishikawa in the Abstract, and at column 1, lines 15-20.

⁶ See Ishikawa in the Abstract and in Figure 3.

explains that the program of the external memory is configured to control camera exposure time,⁷ and other control settings of the camera.⁸

The remaining references Silverbrook, Johnson, Sasaki, and Crawford, used by the outstanding Office Action to form 35 U.S.C. § 103(a) rejections of the dependent claims, taken in any proper combination, also fail to teach or suggest the above features regarding the control program and the communication control program of Claim 17.

Therefore, even if the combination of Yamagami and Ishikawa, Silverbrook, Johnson, Sasaki, and/or Crawford is assumed to be proper, the combination fails to teach every element of the claimed invention. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.⁹

Independent Claim 46 recites features analogous to the features recited in independent Claim 17. Moreover, Claim 46 has been amended in a manner analogous to the amendment to Claim 17. Accordingly, for the reasons stated above for the patentability of Claim 17, Applicant respectfully submits that the rejections of Claim 46, and the rejection of all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 17.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. §103(a), the present amendment places the application in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because the changes to Claims 17 and 46 merely clarify a feature

⁷ See Ishikawa at column 7, line 37,

⁸ See Ishikawa at column 10, line 20, line 39, and line 53.

⁹ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

that is believed to be already considered by the Examiner. It is therefore respectfully requested that 37 C.F.R. §1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-74 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

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